

ORDINANCE 83 - 7

CEMETERIES

Be it ordained and it is hereby ordained by the City Council of Dahlonega, and it is hereby ordained by the authority thereof:

SECTION 1. DEFINITIONS:

The following definitions shall apply for the purposes of this chapter, and where the following terms are used they shall include their definition:

CEMETERY: _____ Cemetery, and cemeteries first established by the city during the year 1983 and thereafter.

COMMITTEE: The cemetery committee as selected under the terms of this chapter.

RULES: The rules and regulations as may be from time to time adopted by the City Council.

TRUST: The trust created by this chapter.

TRUSTEES: The trustees as selected in accordance with the provisions of this chapter.

SECTION 2. CEMETERY DIVISIONS.

From and after the January 1, 1984 Dahlonega Memorial Park Cemetery shall be divided into two sections defined as follows:

- (a) Section 1: All lots in the cemetery, wherever located, sold by the former owner prior to the above date.
- (b) Section 2: All lots in the cemetery, wherever located, which are sold on or after the above date.

SECTION 3. CARE AND MAINTENANCE PLANS.

Care and maintenance for the graves in the cemetery shall be provided for under one of three plans as follows:

- (a) Plan one: Annual care and maintenance for the graves in section 1 of the cemetery will be provided by the city upon the payment of an annual fee in advance to be determined from time to time by the City Council.
- (b) Plan two: Perpetual care and maintenance for graves in section 1 in the cemetery shall be provided by the city upon the payment of a flat fee to be determined by the City Council. All moneys received under this plan and deposited in the trust shall be applied to the maintenance of the entire area of section 1, instead of the individual graves or plots of such section.

- (c) Plan three: All lots in Section 2 of the cemetery shall have perpetual care and maintenance furnished by the city, the fee for which shall be included in the purchase price of the lots.

SECTION 4. RULES AND REGULATIONS -- AUTHORITY TO ADOPT.

The City Council may from time to time adopt such rules governing the cemetery, including but not limited to rules governing interment, maintenance, monuments and markings, construction of walks, wall, etc., price of lots and annual and perpetual care and maintenance, planting shrubbery and flowers, and such other rules which may be deemed wise in the judgment of the City Council.

SECTION 5. SAME--MAY BE REPEALED OR CHANGED.

Rules from time to time adopted by the City Council may hereby be repealed or changed.

SECTION SAME--TO GOVERN ALL CEMETERY LOTS.

All cemetery lots in Cemetery shall be governed by the rules in force as adopted by the City Council, and shall not be affected by these regulations.

SECTION 7. TRUST--CREATION; COMPOSITION; AUTHORITY; FUNDS.

There is hereby created a trust to be known as the cemetery trust.

- (1) The trust shall consist of six trustees, being the members of the City Council and the Mayor, who individually shall serve as trustees during their term in elected office.
- (2) The trust and the trustees shall have all the rights, powers, privileges, duties and authority accorded to trusts and trustees under the laws of the state and the Charter of the city.
- (3) All funds received by the trustees, whether as provided in this chapter or by gifts, donations or otherwise shall be deposited to the credit of the trust according to the terms of this chapter and the terms of such gifts, donations, etc... and invested in lawful trust investments as prescribed by the laws of the state.
- (4) All funds and properties, including the proceeds therefrom if said trust shall be used in accordance with the Charter and the provisions of this chapter.
- (5) The trustees may from time to time transfer proceeds from the corpus of the trust to the general funds of the city to be used only for care and maintenance of the cemetery, or in the event the proceeds exceed the amount needed for care and maintenance of the cemetery, then such excess may be used for the extension, enlargement and improvement of the cemetery, but the corpus of the trust may not be encroached upon.
- (0) The trustees may designate one or more of the trustees to act for said trust for the purpose of transferring funds and properties by check, draft or otherwise.

SECTION 8. SAME--PERCENTAGE OF PAYMENTS COMMITTED.

A minimum of seventy-five per cent of the flat payments set out in plan two as provided in

section 3 shall be committed to the trust, and a minimum of fifty per cent of the total sale price of all lots in section 2 of the cemetery under plan three as provided in section 3 shall be committed to the trust.

SECTION 9. REGULATION OF LOT PRICE AND BURIAL FEE.

The price of the lots in Dahlonga Memorial Cemetery shall be determined and fixed by the City Council and the charge of fees to be paid to the sexton for opening or digging graves shall be regulated by the City Council.

SECTION 10. CEMETERY COMMITTEE, ESTABLISHED; COMPOSITION; DUTIES; POWERS ADVISORY ONLY.

There is hereby established a cemetery committee to consist of five members to be appointed by the City Council to serve at the pleasure of the City Council without pay.

Such committee shall devise plans, suggest rules and regulations and perform such other duties as the City Council may from time to time request, but such committee shall have advisory powers only.

SECTION 11. SEXTON TO HAVE POLICE POWER.

The sexton of the cemetery shall have police power in the cemetery area. However, a sexton shall not be required by the terms of this ordinance. In the alternative, the Sheriff of Lumpkin County and his duly appointed deputies may serve as sexton of the cemetery as to police powers stated herein. All other administrative powers in the absence of appointment of a sexton shall be performed by the City Manager or his delegated agent.

SECTION 12. BURIAL OR EXUMING, PERMIT REQUIRED.

No person shall dig any grave, or bury, or attempt to bury, exhume or remove any corpse in the cemeteries or burial places of this city, without notice to, and permission of the sexton or city manager.

SECTION 13. OPENING GRAVES--PERSONS PERMITTED TO OPEN.

No grave shall be opened for the purpose of interments or disinterments except by the sexton of the cemetery or employees working under the sexton.

SECTION 14. PROHIBITED ACTS.

The following acts are positively forbidden in the cemeteries of the city: fast or disorderly riding or driving; discharging firearms, turning hogs or cattle into the cemeteries, opening the gates and leaving them open after passage through them injuring or defacing in any way the trees, flowers, shrubbery, graves, tombstones or monuments, seats, buildings or structures of any kind in the cemeteries; committing a nuisance or depositing trash or refuse matter in the cemeteries.

SECTION 15. ANIMAL IMPOUNDED.

Any horses, cattle, hogs, or other animals found running at large within either of the cemeteries of the city, shall be impounded by the sexton or police, subject to the charges and penalties imposed when same are found at large in the streets of the city.

SECTION 16. BURIALS, LOCATION RESTRICTED.

It shall be unlawful to bury any dead body except in a public or private cemetery.

SECTION 17. "LOT" OR "PLOT" DEFINED.

A cemetery lot or plot shall mean and consist of enough land in which persons may be buried in single grave spaces, as defined in the plat of the cemetery and as described in the deed of burial rights to the owner thereof.

SECTION 18. CEMETERY LOTS OR BURIAL SPACE SUBJECT TO RESTRICTIONS, COVENANTS, RULES AND REGULATIONS

All cemetery plots, lots or burial space owned and purchased within the public cemeteries of the city and all such plots, lot or spaces sold, shall be subject to the following restrictions, covenants, rules and regulations, and subject to such other rules, regulations amendments or alterations and ordinances as shall be adopted and regularly passed by the city from time to time, and the reference to these rules and regulations in the deed or certificate of ownership shall have the same force and effect as if fully set forth therein.

SECTION 19. BURIAL RIGHTS IN PUBLIC CEMETERIES, SUPERVISION OF SALE AND CONVEYANCES, EXECUTION, FORM AND CONDITIONS OF DEED.

The city manager shall generally supervise the sale and conveyance of burial rights purchased in the public cemeteries of the city. The city manager shall execute to the purchaser of the burial rights a cemetery deed made in substantially the following form:

CEMETERY LOT DEED

CITY OF DAHLONEGA, LUMPKIN COUNTY, GEORGIA:

THIS INDENTURE, Made this _____ day of _____ in the Year of Our Lord, one thousand nine hundred and _____ between the City of Dahlonega, Lumpkin County, Georgia, of the first part, and _____ of the second part.

WITNESSETH: That the party of the first part, for and in consideration of the sum of _____ Dollars, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents doth grant, bargain and sell, remise and convey unto said party of the second part, _____, heirs and assigns, the exclusive rights of interment in and to a certain burial place in _____ Cemetery, in said city which is known and distinguished in the plan of said cemetery as _____ the number and description of said lot being made with reference to the surveys and plat of record in Deed Book Page _____ Lumpkin County Records, which the parties to this conveyance acknowledge themselves bound; to have and to hold said exclusive privilege to the said party of the second part and _____ heirs forever, subject to all the requirements of any ordinance of the Council of the City of Dahlonega now in force or hereafter ordained, regulating said cemetery upon these express conditions, nevertheless, that no sale or transfer of the rights of burial and interment in said burial lot shall at any time made by party of the second part or by any future owner be valid without the permission and approval of the City

of Dahlonega, and an entry of which shall be made on the books of the City of Dahlonega, and upon the payment of the required transfer fee. And provided, that the party of the second part or any future owner of the burial and interment rights in said burial lot shall not at any time or times hereafter demand or receive any compensation for an interment in said burial lot and provided also that the rights and premises granted hereby shall be subject to the restrictions, covenants, rules and regulations made and to be made hereafter by said City of Dahlonega for the government of its cemeteries, lot holders, visitors to the cemetery and burial of the dead.

CITY OF DAHLONEGA

BY: _____
MAYOR

ATTEST: _____
CITY CLERK

Signed, Sealed and Delivered
in the presence of:

UNOFFICIAL WITNESS

NOTARY PUBLIC, STATE OF GEORGIA

SECTION 20. OWNERSHIP CONSTRUED, USE AND DIVISION, REVERSION TO CITY

Ownership of a lot consists only in the right of interment. The lot can be used for no other purpose and cannot be divided into smaller portions than originally laid down in the plot. Should a lot holder die without a devise of or any known kindred, title to such lot shall revert to the city, for the protection of those who may be interred therein.

SECTION 21. ISSUANCE OF DEED.

A deed or certificate of ownership shall be issued to each lot holder on full payment of the purchase money of such lot.

SECTION 22. PURCHASED RIGHT OF PURCHASER, TAKING FOR DEBT OR SELLING FOR SECULAR USE.

When a right has once been purchased within the enclosure of a public cemetery for burial purposes, it becomes for all time the property of the purchaser and his transferees and cannot be taken for debt or sold for secular uses.

SECTION 23. OWNER'S CHANGE OF ADDRESS, DUTY TO NOTIFY CITY; SUFFICIENT AND PROPER LEGAL NOTIFICATION DESCRIBED.

It shall be the duty of the plot, lot or burial space owner to notify the city of any change in his post office address. Notice sent to a plot, lot or burial space owner at the last address on file in the office of the secretary of the city commission shall be considered sufficient and proper legal notification.

SECTION 24. CERTAIN RIGHTS AND PRIVILEGES RESERVED BY CITY.

The following rights and privileges are hereby expressly reserved by the city in its conveyance of any cemetery lot, plot or space:

At any time and from time to time to resurvey, enlarge, diminish, replat, alter in shape or size or otherwise change all or any part, portion or subdivision of the property mapped and platted, and to file amended maps or plats thereof, and to use the same for the erection of buildings, or for any purposes or uses connected with, incident to, or convenient for the care, preservation or preparation, for the disposal of interment of dead human bodies, or other cemetery purposes, together with easements, and rights-of-way over and through such premises for and privilege of, installing, maintaining and operating pipe lines, conduits or drains for sprinklers, drainage, electric or communication lines, or for any other like purposes.

SECTION 25. EASEMENTS OR RIGHTS OF INTERMENT IN ROADS, DRIVES, ALLEYS OR WALKS.

No easement or right of interment is granted by the city to any plot, lot or burial space owner in any road, drive, alley or walk within the cemetery, but such road, drive, alley or walk may be used as a means of access to the cemetery or buildings as long as the city devotes it to that purpose.

SECTION 26. TRANSFER OF ASSIGNMENT, PREREQUISITE TO VALIDITY.

No transfer or assignment of any cemetery lot, space or plot or interest therein, shall be valid

until the consent of the city has been endorsed thereon and the same has been recorded on the books of the city.

SECTION 27. CHARGE FOR TRANSFER OF OWNERSHIP.

The city may fix a charge for all transfers of ownership of lots, spaces and plots. No transfer of ownership shall be complete or effective until all charges are paid.

SECTION 25. SUBDIVISION OF PLOTS, INTERMENT OF PERSONS WITH NO INTEREST IN PLOT.

The subdivision of plots, lots or spaces is not allowed by anyone except the city and no one not having an interest therein shall be interred in any plot, lot or space except by written consent of all parties interested in such plot, lot or space and the city; provided, however, a relative of any record owner may be buried in such lot, space or plot as provided in this chapter or by the laws of the state.

SECTION 29. FAMILY PLOT; INALIENABLE, REVERSION TO CITY.

Whenever an interment of the remains of a member or of a relative of a member of the family of the record owner, or of the remains of the record owner, is made in a plot transferred by deed or certificate of ownership to an individual owner and the owner dies without making disposition of the plot either in his will by a specific devise, or by a written declaration filed and recorded in the office of the city, the plot thereby becomes inalienable and shall be held as the family plot of the owner with title to the same reverting to the city for protection of those who may be interred therein.

SECTION 30. SAME; RIGHT OF BURIAL WITHIN SAME WITHOUT CONSENT

In a family plot one (1) grave, niche or crypt may be used for the owner's interment; one (1) for the owner's surviving spouse, if any, who by law has a right of interment in it; and in those remaining, if any, the parents and children of the deceased owner, in order of death, may be interred without the consent of any person claiming any interest in the plot.

SECTION 31. SAME; INTERMENT RIGHT WAIVED IN FAVOR OF OTHER RELATIVE.

If no parent or child survives, the right of interment goes in the order of death, first, to the spouse of any child of the record owner, and second, in the order of death, to the next heir at law of the owner or the spouse of any heir at law.

SECTION 32. SAME; INTERMENT RIGHT WAIVED IN FAVOR OF OTHER RELATIVE.

Any surviving spouse, parent, child or heir who has a right of interment in a family plot may waive such right in favor of any other relative, or spouse of a relative, of either the deceased owner or of his spouse, and upon such waiver the remains of the person in whose favor the waiver is made may be interred in the plot.

SECTION 33. RIGHT OF SPOUSE OF OWNER.

The spouse of any owner of any plot which contains more than one (1) interment space has a vested right of interment of his remains in the plot, lot or space and any person thereafter becoming the spouse of the owner has a vested right of interment of his remains in the plot if more than one (1) interment space is unoccupied at the time the person becomes the spouse of the owner.

SECTION 34. VESTED RIGHT OF SPOUSE, JOINDER PREREQUISITE TO DIVESTING.

No conveyance or other action of the owner without the written consent or joinder of the spouse of the owner divests the spouse of a vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree.

SECTION 35. PLOTS HAVING SEVERAL OWNERS, REPRESENTATION BY DESIGNATED OWNER.

When there are several owners of the rights of interment in a plot, lot or space, they may designate one (1) or more persons to represent the plot, lot or space and file written notice of designation with the city. In the absence of such notice or of written objection to its so doing, the city is not liable to any owner for interring or permitting an interment or refusing an interment in the plot, lot or space upon the request or direction of any co-owners of the lot, space, or plot.

SECTION 36 VESTED RIGHT; WAIVING.

A vested right of interment may be waived, and is so waived and terminated upon the interment elsewhere of the remains of the person in whom vested.

SECTION 37. SAME; SCOPE.

No vested right of interment gives to any person the right to have his remains interred in any interment space in which the remains of any deceased having a prior vested right of interment have been interred, nor does it give any person the right to have the remains of more than one (1) deceased person interred in a single interment space.

SECTION 38. AUTHORIZATION TO OPEN PLOT.

The city may inter or open a plot for any purpose on proper written authorization by any plot owner of record made out on forms approved by the city and duly filed in the office of the City Clerk unless there are written instructions to the contrary on file in such office.

SECTION 39. OWNERS PERMITTING INTERMENTS FOR REMUNERATION.

Cemetery owners shall not allow any interments to be made in their lots for a remuneration.

SECTION 40. MONUMENT RESTRICTIONS IN CEMETERY.

Monuments or stones of any kind, or enclosures, walls or coping, shall not be permitted on any graves and plots. Only individual bronze memorial tablets or markers and bronze family name markers shall be allowed and they must be set level with the ground within the family plot. They must be set subject to the approval and inspection of the city. The sections are as follows:

SECTION 41. OFFENSIVE, IMPROPER OR INJURIOUS MONUMENTS, REMOVAL.

If any monument or other structure, or any inscription, be placed in or upon any lot or grave, which shall be determined by the sexton to be offensive, improper or injurious to the appearance of the surrounding lots or grounds or the cemetery generally, he shall have the right and it shall be his duty to enter upon such lot and cause the removal of such offensive or improper object or objects.

SECTION 41A. SURFACE OF LOT OR GRAVES RAISING OR DEPRESSING PROHIBITED.

The proprietors of cemetery lots are prohibited from raising or depressing the surface of the lot or graves above or below the surrounding ground.

SECTION 42. AUTHORITY FOR GRADING, LANDSCAPING, IMPROVEMENTS, PLANTINGS, INTERMENTS, DISINTERMENTS AND REMOVALS.

All grading, landscape work and improvements of any kind and all care on plots shall be done, and all trees, shrubs, and herbage of any kind shall be planted, trimmed, cut or removed and all openings and closing of plots and all interments, disinterments, and removals shall be made only by the authority of the city.

SECTION 43. IMPROVEMENTS OR ALTERATIONS OF INDIVIDUAL PROPERTY, DIRECTION AND APPROVAL OF CITY, REMOVAL OF UNSIGHTLY

All improvements or alterations of individual property in the cemetery shall be under the direction of and subject to the consent, satisfaction and approval of the city; and, should they be made without its written consent, the city shall have the right to remove, alter or change such improvements or alterations at the expense of the plot, lot or space owner, or in any event at any time when in its judgment, they become unsightly to the eye.

SECTION 44. DETRIMENTAL TREES AND SHRUBS, RIGHT TO MOVE.

If any tree or shrub, situated in any lot, shall by means of its roots or branches become detrimental in any way to the adjoining lot, avenue or walk, it shall be the duty and privilege of the city, and it hereby reserves the right, to enter upon the lot and remove the trees or shrubs, or any part thereof. But no tree growing in any lot or border shall be pruned or removed without the consent of the city.

SECTION 45. FLOWERS, TREES, SHRUBS AND HERBAGE; RIGHT TO PREVENT REMOVAL.

The city reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs or plants or herbage of any kind from any cemetery.

SECTION 46. SAME; AUTHORITY TO REMOVE, LIABILITY FOR FRAMES OR BASKETS.

The city shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemetery, when, in the judgment of the sexton, they become unsightly, dangerous, detrimental, or diseased. The city shall not be liable for damage to floral pieces, baskets or frames in which or to which such floral pieces are attached.

SECTION 47. FLOWERS, TREES OR SHRUBBERY, GATHERING OR BREAKING SAME; BIRDS OR ANIMALS, FEEDING OR DISTURBING.

All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubbery or plants or feeding or disturbing the birds or other animal life in the cemeteries of the city.

SECTION 48. FLORAL FRAMES, DISPOSAL.

Floral frames when not removed from the plot, unless called for within 10 days by those lawfully entitled to them, shall be disposed of by the city.

SECTION 49. SIGNS, NOTICES OR ADVERTISEMENTS PROHIBITED.

No signs, notices or advertisements of any kind shall be allowed in any cemetery, except by the city.

SECTION 50. RESPONSIBILITY FOR DAMAGE.

The city disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority, whether the damage be direct or collateral.

SECTION 51. INTERMENTS, DISINTERMENTS AND REMOVALS; TIME, MANNER AND CHARGES FOR SAME.

All interments, disinterments and removals must be made at the time and in the manner and subject to the payment of such charges, as fixed by the city.

SECTION 52. CHARGES FOR OPENING GRAVES, INTERMENT AND DISINTERMENT.

The charges for opening graves, interment and disinterment in the public cemeteries shall be as set out in the fee schedule book of the city, as provided.

SECTION 53. RIGHT TO REFUSE IMMEDIATE INTERMENT AFTER SPECIFIED HOUR.

The city may refuse to make an interment until a more expedient time if the remains arrive at the cemetery after 5:00 p.m., or if too many funerals arrive at the same hour.

SECTION 54. FUNERALS ARRIVING AFTER SPECIFIED HOUR, CHARGES.

All funerals arriving at the public cemeteries for the purpose of an interment or disinterment after 5:00 p.m. shall be required to pay an additional charge as set forth in the fee schedule book of the city as provided. This may be waived by the sexton in cases of unavoidable circumstances only.

SECTION 55. FUNERALS, INTERMENTS OR DISINTERMENTS, PROHIBITED ON SPECIFIED HOLIDAY.

There shall be no funerals, interments, or disinterments on the Fourth of July or Christmas Day, except in cases of extreme hardship as provided elsewhere in this chapter.

SECTION 56. DELAY OF INTERMENT, LIABILITY AND RIGHT OF CITY.

The city shall be in no way liable for any delay in the interment of a body where a protest to the interment has been made, or where these rules and regulations have not been complied with and, further, the city reserves the right, under such circumstances, to place the body in a funeral home or a receiving vault until the full rights have been determined. The city may require any protest to be in writing and to be filed in the office of the City Manager.

SECTION 57. RESERVATION OF RIGHT TO REQUIRE SPECIFIED NOTICE BEFORE INTERMENT.

The right is reserved by the city to insist upon at least 18 hours' notice before any interment.

SECTION 58. LIABILITY FOR INTERMENT PERMIT AND IDENTITY OF PERSON SOUGHT TO BE INTERRED OR CREMATED.

The city shall not be liable in damages for an error in the interment permit nor for the mistake or error in the identity of the person sought to be interred or cremated.

SECTION 59. RESPONSIBILITY FOR TELEPHONE ORDERS OR MISTAKES BY VAGUE INSTRUCTIONS.

The city shall not be held responsible for any order given by telephone, or for any mistake occurring from the want of precise and proper instructions as to the particular space, size and location in a plot where interment is desired.

SECTION 60. PROCEDURE WHEN INSTRUCTIONS FROM PLOT OWNER NOT AVAILABLE.

When instructions from the plot owner regarding the location of an interment space in a plot cannot be obtained, or are indefinite, or when for any reason the interment space cannot be opened when specified, the city may, in its discretion, open it in such location in the plot as it deems best and proper so as not to delay the funeral; and the city shall not be liable for damages for any error so made.

SECTION 61. ERRORS IN INTERMENT.

In the event an error shall be committed in the interment of the remains of any person, the city reserves and shall have the right to remove and reinter the remains in such other property of equal value and similar location as may be substituted and conveyed in lieu of the mistaken property.

SECTION 62. DISINTERMENT; PERMISSION PREREQUISITE.

No disinterment from any lot shall be made except on express permission of City Manager first obtained. The City Manager may insist that an order from a proper court of law first be secured by those seeking the disinterment.

SECTION 63. SAME; LIABILITY OF CITY.

The city shall exercise due care in making a disinterment and removal, but it shall assume no liability for damage to any casket, burial case, vault or urn, incurred in making the disinterment or removal.

SECTION 64. REMOVAL OF BODY REPUGNANT TO SENSE OF DECENCY.

Removal of a body, or cremated remains, by the heirs of the deceased so that the plot, lot or space may be sold for profit to themselves, or removal contrary to the expressed or implied wish of the original plot owner or if repugnant to the ordinary sense of decency is absolutely forbidden.

SECTION 65. LIMITATION ON NUMBER OF BODIES INTERRED IN SAME GRAVE, VAULT, CRYPT OR NICHE.

Not more than one (1) body, or the remains of more than one (1) body, shall be interred in any one (1) grave, vault, crypt or niche.

SECTION 66. FIREARMS WITHIN CEMETERIES, PERMIT REQUIRED.

No firearms shall be permitted within any cemetery except with special permit from the city or other duly constituted authorities.

SECTION 67. REFRESHMENTS, PROHIBITED WITHIN CEMETERIES, EXCEPTION.

No person shall be permitted to have refreshments within any cemetery except as authorized by the sexton.

SECTION 68. PERSONS WITHIN GROUNDS TO USE ONLY AVENUES, WALKS, ALLEYS AND ROADS; LIABILITY FOR INJURIES

Persons within the cemetery grounds shall use only the avenues, walks, alleys and roads and shall not walk, drive or ride upon the lots, plots and spaces.

SECTION 69. AUTOMOBILE REGULATED.

Automobiles shall not be driven through the grounds at a greater speed than 15 miles per hour, and must always be kept on the right hand side of the cemetery roadway. Automobiles are not allowed to park or to come to a full stop in front of an open grave unless such automobiles are in attendance at the funeral.

SECTION 70. INTERPRETATION, APPLICATION AND ENFORCEMENT OF PROVISIONS.

These rules and regulations shall be interpreted, applied and enforced by the cemetery committee. In cases of hardship, necessity or unreasonableness in the application or enforcement of any of these rules and regulations the majority of the cemetery committee shall have the right to alter the application and enforcement of these rules and regulations so as to relieve the hardship or unreasonableness, and the same shall not constitute forfeiture nor shall it have the effect of changing or abridging the rule, covenant or regulation.

SECTION 71. VIOLATION OF PROVISIONS.

It shall be unlawful for any person to do any act forbidden by this chapter, and it shall be unlawful for any person to fail to perform any act required by this chapter. Any person performing any act forbidden by this chapter or failing to perform any act required by this chapter shall have reached this chapter, and upon conviction thereof shall be punished as provided.

Jack Roberts
Mayor

ATTEST:
Janet Jarrard
City Clerk

AMENDMENT 1 TO ORDINANCE 83-7
VAULTS IN DAHLONEGA MEMORIAL PARK CEMETERY

BE IT RESOLVED BY THE CITY OF DAHLONEGA AND IT IS HEREBY RESOLVED BY THE AUTHORITY THEREOF:

Under and by virtue of the authority of the City of Dahlonega as expressed in Ordinance 83-7, at Section 4, the City Council may from time to time adopt such rules governing the cemetery including but not limited to rules governing interment, maintenance, monuments and markings, construction of walks, wall, etc. as per that authority so granted, the City of Dahlonega hereby invokes the following rule which shall be mandatory regarding all cemetery lots from the date of this Resolution forward.

“Vaults shall be required as to all graves in Memorial Park Cemetery.”

Be it resolved by the Mayor and City Council of City of Dahlonega this 2nd day of May, 1988.

Haines Hill
Mayor

ATTEST:
Janet Jarrard
City Clerk

**ORDINANCE 83-7
AMENDMENT 5**

AN ORDINANCE TO AMEND ORDINANCE 83-7 BY DELETING THEREFROM CERTAIN DEFINITIONS AND SECTIONS 3, 7 AND 8 IN THEIR ENTIRETY AND FOR OTHER PURPOSES.

Be it ordained by the City of Dahlonaga, and it is hereby ordained by the authority thereof that Ordinance 83-7, as amended, is hereby further amended as follows:

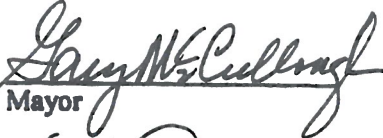
Section 1, Definitions is hereby amended by deleting therefrom the definitions for "Trust" and "Trustees."

Section Three, Care and Maintenance Plans is hereby deleted in its entirety and shall be supplemented with the words "DELETED BY AMENDMENT"

Section Seven, Trust Creation, Composition; Authority; Funds is hereby deleted in its entirety and shall be supplemented with the words "DELETED BY AMENDMENT"

Section Eight, Percentage of Payments Committed is hereby deleted in its entirety and shall be supplemented with the words "DELETED BY AMENDMENT".

It is so ordained this 3rd day of Sept, 2014.


Mayor


Attest: City Clerk

**CITY OF DAHLONEGA
ORDINANCE 83-7
AMENDMENT 9**

BE IT ORDAINED BY THE CITY COUNCIL OF DAHLONEGA AND IT IS HEREBY ORDAINED BY THE AUTHORITY THEREOF THAT THE FOLLOWING RATES SHALL BE ADOPTED AS THE CEMETERY LOT RATES FOR THE DAHLONEGA MEMORIAL PARK CEMETERY AND THE OPEN/CLOSE RATES FOR THE DAHLONEGA MEMORIAL PARK CEMETERY AND THE MOUNT HOPE CEMETERY TO BECOME EFFECTIVE JANUARY 1, 2015.

1 GRAVE LOT \$2,000.00 *

*For persons which meet residency requirements within the city limits of Dahlonega

1 GRAVE LOT \$2,500.00**

** For persons that do not meet residency requirements within the city limits of Dahlonega

Opening and closing of all graves for casket burial.

\$750.00 – 7 days a week

Opening and closing of all graves for urn burial.

\$250.00 – 7 days a week

Opening and closing of all graves for a second interment.

\$750.00 – 7 days a week

Each gravesite may contain 1 casket and 1 urn or 2 urns. All urns must be enclosed in a vault before burial.

Residency requirements for this ordinance shall mean any person who lives or owns property within the city limits of Dahlonega and purchases a grave lot.

Residency shall be determined by driver's license, utility bill, tax records, or other reasonable documentation of the purchaser or deceased.

The provisions of this ordinance shall repeal and supersede any conflicting provisions existing in any other ordinance of the City of Dahlonega.

ORDAINED THIS _____ DAY OF _____, 2014, BY THE
MAYOR AND COUNCIL OF THE CITY OF DAHLONEGA.

Gary McCullough, Mayor

Attest:

Lou Stewart, City Clerk